

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MELVIN AND TIESHA WADDY,  
*Plaintiffs,*

v.

GEOVERA SPECIALTY INSURANCE  
COMPANY,  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO.

---

---

**DEFENDANT GEOVERA SPECIALTY INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

---

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant GEOVERA SPECIALTY INSURANCE COMPANY ("GeoVera" or "Defendant") files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully show:

**I. FACTUAL AND PROCEDURAL BACKGROUND**

1. On August 23, 2019, Plaintiffs Melvin and Tiesha Waddy filed their Original Petition, styled *Melvin and Tiesha Waddy v. GeoVera Specialty Insurance Company*, Cause No. 19-DCV-265819, in the 400th Judicial District Court, Fort Bend County, Texas. The lawsuit arises out of a claim Plaintiffs made for damages to their property under an insurance policy issued by GeoVera.

2. Plaintiffs served GeoVera with a copy of the Plaintiffs' Original Petition and Request for Disclosure on October 1, 2019.

3. GeoVera's Answer was filed on November 4, 2019.

4. GeoVera files this notice of removal within thirty (30) days of receiving Plaintiffs' Citation and Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one (1) year of the commencement of this action. *Id.* All process, pleadings, and orders in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiffs.

5. As required by 28 U.S.C. § 1446(a), and Rule 81 of the Local Rules for the United States District Court of the Southern District of Texas, being filed simultaneously with the filing of this Notice of Removal:

Exhibit A: Index of Items Being Filed

Exhibit B: State Docket Sheet

Exhibit C: Plaintiffs' Original Petition and Request for Disclosure dated 08/23/2019

Exhibit D: Request for Citation Issuance on GeoVera through Texas Department of Insurance ("TDI) dated 08/23/2019

Exhibit E: Citation Issued on GeoVera through TDI dated 08/28/2019

Exhibit F: Citation Returned on GeoVera through TDI dated 09/25/2019 (Served: 09/12/2019)

Exhibit G: Request for Citation Issuance on GeoVera dated 09/30/2019

Exhibit H: Citation Issued on GeoVera dated 10/01/2019

Exhibit I: Citation Returned on GeoVera dated 10/11/2019 (Served: 10/07/2019)

Exhibit J: File Stamp dated 10/30/2019 Correspondence from TDI to Attorney Shane McClelland regarding the return of documents due to the lack of mailing address dated 09/19/2019

Exhibit K: Defendant's Original Answer to Plaintiffs' Original Petition

Exhibit L: List of Parties and Counselors

## **II. BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

### **A. Plaintiffs and Defendant are Diverse.**

7. Plaintiffs Melvin and Tiesha Waddy are individuals residing in Arcola, Fort Bend County<sup>1</sup>, Texas;

8. Defendant, GeoVera Specialty Insurance Company is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California. GeoVera is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiffs and GeoVera.

### **B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.**

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiffs' Original Petition expressly alleges that "Plaintiffs seek monetary relief over \$200,000 but not more than \$1,000,000." (Pls' Orig. Pet. ¶64). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

---

<sup>1</sup> See Plaintiff's Original Petition and Request for Disclosure, Exhibit C, paragraph 1.

**III. THIS REMOVAL IS PROCEDURALLY CORRECT**

11. GeoVera received service of this lawsuit on October 7, 2019. Thus, GeoVera is filing this Notice within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division embrace a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this District and Division, including the location of the residential property at issue.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after GeoVera files this Notice of Removal, written notice of the filing will be given to Plaintiffs pursuant to 28 U.S.C. §1446(d).

15. Promptly after GeoVera files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Fort Bend County District Court pursuant to 28 U.S.C. §1446(d).

**IV. CONCLUSION**

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant GeoVera hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson  
State Bar No. 24029862  
Southern District No. 17055

THOMPSON, COE, COUSINS & IRONS, LLP  
700 N. Pearl Street, 25th Floor  
Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

Email: [rthompson@thompsoncoe.com](mailto:rthompson@thompsoncoe.com)

ATTORNEY FOR DEFENDANT  
GEOVERA SPECIALTY INSURANCE SERVICES

**CERTIFICATE OF SERVICE**

This is to certify that on the 7th day of November 2019, a true and correct copy of the foregoing was delivered to the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Shane McClelland

THE LAW OFFICES OF SHANE MCCLELLAND

440 Cobia Drive, Suite 101

Katy, Texas 77494

Telephone: (713) 987-7107

Facsimile: (832) 827-4207

Email: [shane@hmttrial.com](mailto:shane@hmttrial.com)

ATTORNEY FOR PLAINTIFFS MELVIN AND TIESHA WADDY

/s/ Rhonda J. Thompson

Rhonda J. Thompson